United Nations Convention on the Law of the Sea CLCS/27

Commission on the Limits of the Continental Shelf

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Letter dated 9 October 2000 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the fifty-fifth session of the General Assembly of the United Nations

As the General Assembly is the forum that monitors, under agenda item 34 of the current session, all matters related to oceans and the law of the sea, and more particularly the implementation at the global level of the United Nations Convention on the Law of the Sea, the Commission on the Limits of the Continental Shelf has once again requested me, as its Chairman, to bring to the attention of the Assembly several important matters related to the implementation of article 76 of the Convention. As you are aware, that article provides the rules by which coastal States may establish the outer limits of their continental shelves beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. I had the honour to address the President of the fifty-fourth session of the General Assembly last year on several matters of importance to the Commission.

It may be recalled that the Commission was elected to perform two specific functions, as set out in article 3, paragraph 1, of annex II to the Convention: (a) to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea; and (b) to provide scientific and technical advice, if requested by the coastal State concerned during the preparation of the data referred to in subparagraph (a). The Commission is currently prepared both to accept submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain.

During the eight sessions that have been held since March 1997, the Commission has organized itself to prepare for the receipt of submissions from coastal States. It first agreed upon its rules of procedure (CLCS/3/Rev.2), of which the provisions on confidentiality were extensively revised at the eighth session (to be issued as CLCS/3/Rev.3). It then agreed upon its modus operandi (CLCS/L.3).

The Commission then adopted its Scientific and Technical Guidelines (CLCS/11), which are intended to provide assistance to coastal States regarding the

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technical nature and scope of the data and information which they have to submit to the Commission. The Scientific and Technical Guidelines are of a highly complex nature; they deal with geodetic, geological, geophysical and hydrographic methodologies stipulated in article 76 for the establishment of the outer limit of the continental shelf, using such criteria as determination of the foot of the continental slope, sediment thickness and types of sea floor highs. The Commission also adopted annexes to the Guidelines (CLCS/11/Add.1) which, inter alia, include flowcharts providing a simplified outline of the procedures described in the relevant parts of the Guidelines themselves.

On 1 May 2000, the Commission held its first open meeting, which was aimed at flagging the most important and challenging issues related to the establishment of the continental shelf beyond 200 nautical miles by coastal States, and to give a general indication to policy makers and legal advisers of the benefits that a coastal State might derive from implementing the provisions of article 76 of the Convention. The open meeting was also intended to explain to experts in marine sciences who were involved in the preparation of submissions how the Commission considered that its Scientific and Technical Guidelines should be applied in practice.

Each presentation made at the meeting was followed by a question-and-answer period. In addition, the floor was open during the session to a discussion of various issues related to the provisions of the Convention, the Scientific and Technical Guidelines and their application, and the work of the Commission. The meeting was attended by approximately 100 government officials, intergovernmental organizations, legal advisers and experts in marine sciences related to the establishment of an extended continental shelf. A number of delegations and experts participated in the discussions, asked questions and made comments on the issues considered at the meeting.

Although no submissions have yet been received, the Commission is aware that the process of preparing a submission is at an advanced stage in some coastal States. Coastal States are requested to note that the existing cut-off deadline for the receipt of submissions by the Commission is still the 10-year rule from entry into force of the Convention for the submitting State.

The Commission has taken up the consideration of the issue of training necessary to develop the knowledge and skills for preparation of the submissions in respect of the outer limits of the continental shelf required by the Convention.

In order to provide additional scientific and technical guidance to help coastal States throughout the process of preparation of a submission, the Commission has prepared a basic flowchart for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/22). The Commission also prepared an outline for a training course of approximately five days' duration aimed at practitioners who would take part in the preparation of the submission of a coastal State (CLCS/24). The Commission is not mandated by the Convention to conduct or organize training. The suggested course could be developed and delivered by interested Governments and/or international organizations and institutions which possess the necessary facilities and pedagogic and subject expertise.

It is clear that there is a need for political and financial support for training programmes, especially for developing countries, both within the United Nations

system and through other appropriate intergovernmental or non-governmental organizations at the international or regional level.

The Commission took note with satisfaction that two important decisions regarding the establishment of voluntary trust funds were taken during the tenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. The first, based upon a request by the Commission, was to recommend to the General Assembly the establishment of a voluntary fund to enable the participation of the members of the Commission from developing countries in the work of the Commission, by meeting their costs of participation (travel expenses and daily subsistence allowance), notwithstanding the provision of annex II to the Convention which requires the State party nominating a member of the Commission to defray the member's expenses while in performance of Commission duties (SPLOS/58). The second decision taken by the meeting of States parties was to recommend to the General Assembly to consider at its fifty-fifth session, under the agenda item entitled "Oceans and the law of the sea", the establishment of a voluntary fund or funds, for purposes of: (a) providing assistance to States parties to meet their obligations under article 76 of the Convention, and (b) providing training to countries, in particular the least developed among them and small island developing States, for preparing submissions to the Commission with respect to the outer limits of the continental shelf beyond 200 nautical miles, as appropriate (SPLOS/59).

In view of the above, the Commission would be grateful if the delegations to the fifty-fifth session of the General Assembly would consider inclusion in the resolution on agenda item 34 (a), "Oceans and the law of the sea", the following provisions:

(a) To invite States parties to the Convention that intend to establish the outer limits of their continental shelves beyond 200 nautical miles to submit particulars of such limits to the Commission within 10 years of the entry into force of the Convention for that State (article 4 of annex II to the Convention);

(b) To establish voluntary trust funds for purposes of: (i) enabling the participation of the members of the Commission from developing countries in the work of the Commission, (ii) providing assistance to States parties to meet their obligations under article 76 of the Convention, and (iii) providing training to countries, in particular the least developed among them and small island developing States , for preparing submissions to the Commission;

(c) To call for political and financial support for training programmes, specially for developing countries, within the United Nations system and through other appropriate international or regional organizations.

(*Signed*) Yuri B. **Kazmin**
Chairman of the Commission on
the Limits of the Continental Shelf